

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CARLOS D. LINDSEY,

Plaintiff,

v.

ORDER

JOLINDA WATERMAN, SANDRA MCARDLE, and
JAMES PATERSON,

19-cv-180-jdp

Defendants.

Plaintiff Carlos D. Lindsey, appearing pro se, is incarcerated at Wisconsin Secure Program Facility. He filed this lawsuit alleging that defendants, medical practitioners employed by WSPF, violated the Eighth Amendment to the United States Constitution by denying him access to prescribed asthma inhalers. Dkt. 1. I screened Lindsey's complaint as required by 28 U.S.C. §§ 1915 and 1915A and determined that he hadn't adequately alleged that defendants had intentionally ignored his medical needs in violation of the Eighth Amendment. Dkt. 3. Lindsey didn't allege that he wasn't receiving medical care for his asthma, and he didn't challenge defendants' reasons for denying him access to an inhaler—the risk that he might use the inhaler to harm himself.

I allowed Lindsey to file an amended complaint explaining how each defendant had violated his rights. Lindsey has filed a supplement to his complaint, Dkt. 4, but it adds no new allegations to his original complaint. Because Lindsey's supplement doesn't address the problems I identified in screening his original complaint, I will dismiss his complaint for failure to state a claim under Federal Rule of Civil Procedure 8(a)(2). I will also issue a strike against Lindsey under 28 U.S.C. § 1915(g). *See Paul v. Marberry*, 658 F.3d 702, 704–06 (7th Cir. 2011) (court should issue a strike for failure to correct a pleading that violates Rule 8(a)(2)). Because

this is Lindsey's third strike, *see Lindsey v. Mason*, No. 14-cv-130, Dkt. 9 (E.D. Wis. Sept. 5, 2014); *Lindsey v. Sweeney*, No. 16-cv-822, Dkt. 12 (E.D. Wis. Aug. 23, 2016), he will no longer be able to file a lawsuit in forma pauperis in any federal court unless he "is under imminent danger of serious physical injury," 28 U.S.C. § 1915(g). (Lindsey is already under a filing bar in this court. *See Lindsey v. Johnston*, No. 18-cv-398, Dkt. 47 (W.D. Wis. Dec. 17, 2018)).

ORDER

IT IS ORDERED that this case is DISMISSED with prejudice for plaintiff Carlos Lindsey's failure to state a claim upon which relief may be granted. A strike shall be recorded against Lindsey in accordance with 28 U.S.C. § 1915(g). The clerk of court is directed to enter judgment and close this case.

Entered December 3, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge